IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 11908 of 2005

Between:

P.Narayana S/o.Chandrappa,
Kalapuram (V), Pamidi(M), Ananthapur Dist.

..... PETITIONER

AND

1 The Joint Collector, Ananthapur, Ananthapur Dist.
2 The Revenue Divisional officer, Ananthapur, Ananthapur Dist.
3 The Mandal Revenue officer, Pamidi, Anantapur Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ order or direction more particularly one in the nature of writ of mandamus declaring the action of 1st respondent in issuing the impugned proceedings vide D.Dis No.K4/ATP/1380/2004, dt.26-4-2005 in confirming the orders of the 2nd respondent in suspending the authorization of the petitioner pending enquiry is arbitrary, illegal and consequently direct the respondents to permit the petitioner to continue as fair price shop dealer pending disposal of the enquiry before the 2nd respondent in the interest of justice.

Counsel for the Petitioner: MR.K.SITA RAM

Counsel for the Respondent Nos.1 to 3: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following:

Oral order:-

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner's authorization was suspended for having committed certain alleged irregularities by the order dated 16-11-2004 of the 2nd respondent. Aggrieved, the petitioner preferred an appeal to the 1st respondent. As no interlocutory relief was granted, the petitioner filed writ petition No.22258 of 2004 challenging the suspension of his authorization. This court disposed of the W.P.No. 22258 of 2004 by the judgment dated 03-12-2004 directing the 1st respondent to dispose of the appeal expeditiously and in the meanwhile permitting the petitioner to distribute the essential commodities, as no alternative arrangements were made after the suspension of his authorization. Thereafter, by the order dated 26-04-2005, the 1st respondent dismissed the appeal of the petitioner and directed the 2nd respondent to take up the main inquiry into the allegations immediately and finalize the same. As a consequence of the dismissal of the appeal, the petitioner would not be permitted to supply the essential commodities till the conclusion of the inquiry into the allegations made against the petitioner. This is the grievance that has catalyzed the petitioner to approach this court.

The entirety of the proceedings of the 2nd and 1st respondents and the earlier writ petition revolve around suspension of the authorization of the petitioner – at an interlocutory stage. The 1st respondent, in his order rejecting the appeal, found a *prima facie* case against the petitioner, as revealed by the order of the 2nd

respondent dated 16-11-2004, justifying the exercise of discretion by the 2nd respondent to suspend the petitioner's authorization and, therefore, the 1st respondent was not inclined to interfere with such an order in exercise of appellate powers. This court finds no infirmity in recording reasons or conclusions by the 1st respondent, warranting interference in this writ petition. The 1st respondent has already directed the 2nd respondent to expeditiously conclude the inquiry; the petitioner is seen to have no legal grievance. There are no merits. The writ petition is, accordingly, dismissed at the stage of admission.

GODA RAGHURAM, J

Dt. 08-06-2005

Pvks/*

To

1 The Joint Collector, Ananthapur, Ananthapur Dist.
2 The Revenue Divisional officer, Ananthapur, Ananthapur Dist.
3 The Mandal Revenue officer, Pamidi, Anantapur Dist.

4. The Government Pleader for Civil Supplies, A.P. High Court Buildings,

Hyderabad (OUT).

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